

REMARKS

In the Office Action dated June 3, 2008, claims 1-20 are pending in the application. Claims 1, 9, 14, 15, and 20 are amended. Reconsideration and allowance of the pending claims is respectfully requested in view of the following remarks.

The rejection of claims 1, 15, and 20 does not properly teach, suggest or disclose the separate functions of a data network/facilities computer network and a cable network. The references cited by the Examiner including *Narcott*, do not distinctly teach separating the different communications as claimed. A communications channel or multiple communications channels does not teach, suggest, or disclose that the instructions and first analog signal are sent using a separate data network and a cable network respectively. (*Narcott*, col. 4, lines 32-36, col. 5, lines 42-47) Making such an assumption would require hindsight or reading details into *Narcott* that are not therein disclosed.

With respect to claim 1, the *Narcott* reference teaches databases (*Narcott*, col. 5, lines 50-56). The *Narcott* reference seems to teach a single server, no reference is made to the server as a decoder. Similarly, the databases are not a plurality of decoders as claimed by the Applicants.

With respect to claims 1, 9, and 20, *Narcott* does not teach, suggest or disclose modulating the analog signals onto a dedicated channel and combining the modulated signals into a single signal broadcast through the cable network. As cited by the Examiner, the *Narcott* reference teaches that a plurality of TV modulators are used separately for each end user's television set (*Narcott*, col. 4, lines 14-17). Modulating the signals into a single modulated or combined signal is not taught.

The rejection of claims 14 and 19 does not properly teach, suggest or disclose that the modulated signals are demodulated by one or more media players for playback on a specified/dedicated channel. The preferred embodiment of *Narcott* teaches that multiple TV modulators are used each for a separate end user's television set (*Narcott*, col. 4, lines 14-16). The type or definition of modulator that *Narcott* is referring to is not the same as Applicants claimed invention because multiple modulators/combiners are not needed (see claim 14). FIG. 10 of Ahmed similarly does not teach, suggest or disclose these features.

The rejection of claim 12 under 37 CFR 1.142(b) is improper because the claimed invention is not separate or distinct. The claimed addition of multiple controllers as compared to a single controller does not make the claimed invention patentably separate or distinct. For example, the addition of an identical controller does not change the functionality, operation, or claimed elements of Applicants' embodiments. Applicants contend that the Examiner has not shown or does not have logical reasons for making the determination that a plurality of controllers make the claimed materials a non-elected invention, particularly when support for claim 12 is found in the specification (see [0069]).

A number of dependent claims have been amended to further clarify the invention based on the arguments cited above. In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants are also hereby filing a Request for Reconsideration and believe that a fee is due with this response. Please charge Sonnenschein, Nath & Rosenthal Deposit Account No. 19-3140 if the fees included are not sufficient.

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Respectfully submitted,

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